

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

SMIDTH & CO.,

Debtor.

Chapter 11

Bankruptcy Case No. 08-10516 (KG)

District Court Misc. Docket No.:

1:08-mc-00088-GMS

**NOTICE OF PARTIAL WITHDRAW OF MOTION OF DEBTOR TO
TRANSFER PENDING LITIGATION INVOLVING PERSONAL INJURY
CLAIMS PURSUANT TO 28 U.S.C. § 157(b)(5) AS TO THE ACTION
CAPTIONED, *RICHARD DYHRMAN AND PATRICIA DYHRMAN v. A.W.
CHESTERTON COMPANY, ET AL. ONLY***

PLEASE TAKE NOTICE that on April 25, 2008, Smidth & Co. (the "Debtor") filed a motion (the "Motion") Motion of Debtor To Transfer Pending Litigation Involving Personal Injury Claims Pursuant To 28 U.S.C. § 157(b)(5). Pursuant to the Motion, the Debtor seeks to transfer the venue of the following two actions pending in the Superior Court of California (the "California Court"): *Bernard Smith and Alberta Smith v. Allis Chalmers Corporation Product Liability Trust, et al.*, Case No. BC374045 (the "Smith Action") and *Richard Dyhrman and Patricia Dyhrman v. A.W. Chesterton Company, et al.*, Case No. RG07 355398 (the "Dyhrman Action").

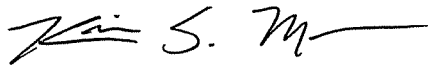
PLEASE TAKE FURTHER NOTICE that on May 6, 2008, the plaintiffs in the Dyhrman Action agreed to dismiss the complaint with prejudice as to the Debtor and agreed not to assert a claim in the Debtor's pending chapter 11 bankruptcy proceeding.

PLEASE TAKE FURTHER NOTICE that on May 7, 2008, the plaintiffs in the Dyhrman Action caused a notice of dismissal with prejudice to be filed with the California Court.

PLEASE TAKE FURTHER NOTICE that as a result of the foregoing agreement and dismissal with prejudice, the Debtor hereby withdraws the Motion solely as to the Dyhrman Action. The Debtor will proceed with the Motion solely as it relates to the Smith Action.

Dated: May 9, 2008
Wilmington, Delaware

CROSS & SIMON, LLC

By: 

Christopher P. Simon (No. 3697)
Kevin S. Mann (No. 4576)
913 N. Market Street, 11th Floor
P.O. Box 1380
Wilmington, DE 19899-1380
(302) 777-4200

-and-

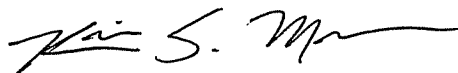
LOWENSTEIN SANDLER PC

Michael S. Etkin (ME 0570)
S. Jason Teele (Bar No. 7390)
Aliza Reicher (AZ 8846)
65 Livingston Avenue
Roseland, New Jersey 07068
(973) 597-2500 (Telephone)
(973) 597-2481 (Facsimile)

Co-Counsel to Smidth & Co.

CERTIFICATE OF SERVICE

I, Kevin S. Mann, hereby certify that on this 9th day of May, 2008, I caused copies of the **Notice of Partial Withdraw of Motion of Debtor to Transfer Pending Litigation Involving Personal Injury Claims Pursuant to 28 U.S.C. § 157(b)(5) as to the Action Captioned, *Richard Dyhrman and Patricia Dyhrman v. A.W. Chesterton Company, et al.* Only** to be served on the parties on the attached list by U.S. Mail or otherwise indicated.

A handwritten signature in black ink, appearing to read "Kevin S. Mann", written over a horizontal line.

Kevin S. Mann (No. 4576)

VIA HAND DELIVERY

David Klauder, Esquire
U.S. Trustee
Office of the United States Trustee
844 King Street, Room 2207
Lockbox #35
Wilmington, DE 19899-0035

Delaware Division of Revenue
Attn: Bankruptcy Administrator
820 N. French Street - 8th Floor
Wilmington, DE 19801

Richard Dyhrman
c/o Levin, Simes, Kaiser & Gornick
Attn: Anna Costa
44 Montgomery St., 36th Floor
San Francisco, CA 94104

NJ Dept of Environmental Protection
Attn: Nadine Drake
401 E. State St.
7th Floor, East Wing
Trenton, NJ 08625

Smith, Bernard & Alberta
c/o Simon, Eddins & Greenstone, LLP
Attn: Jennifer L. Burtlett, Esq.
301 E. Ocean Blvd. Suite 1950
Long Beach, CA 90802

CSC Lawyers
PO Box 526036
Sacramento, CA 95852

John Shaffery
Charles W. Jenkins
B. Christine Park
Poole & Shaffery
445 S. Figueroa Street, Suite 2520
Los Angeles, CA 90071

David M. Glaspy
Brian S. O'Mailey
Law Offices of Glaspy & Glaspy, Inc
100 Pringle Avenue, Suite 750
Walnut Creek, California 94596

Eugene Brown, Jr.
Amea A. Milcovich
Filice Brown Eassa & McLeod LLP
1999 Harrison Street, 18th Floor
Oakland, CA 94612

Kenneth B. Prindle
Thomas A. Steig
Prindle, Decker & Amaro, LLP
369 Pine Street, Suite 800
San Francisco, CA 94104

David T Biderman
Brien K McMahon
Perkins Coie LLP
620 26th Street
6th Floor, South Tower
Santa Monica, CA 90404

Michael J. Pietrykoski
Gordon & Rees
275 Battery Street, Suite 2000
San Francisco, CA 94111

Stephen M. Nichols
Heather L. Nicoletti
Julia C. Martinesco
Walsworth, Franklin, Bevins & McCall,
LLP
1 City Blvd West, 5th Floor
Orange, CA 92868

Steven B. Knott
Guy P. Glazier
Knott & Glazier
601 South Figueroa Street, Suite 4200
Los Angeles, CA 90017

Steven M. Mitchel
Booth, Mitchel & Strange LLP
707 Wilshire Blvd., Suite 4450
Los Angeles, CA 90017-3617

Gabriel A. Jackson
C.J. Manoli
Jackson & Wallace LLP
55 Francisco Street, 6th Floor
San Francisco, CA 94133

Mark D. Sayre
Jackson & Wallace LLP
14724 Ventura Blvd., Suite 1210
Sherman Oaks, California 91403

William H. Armstrong
Lisa A. Sapcoe
Armstrong & Associates
One Kaiser Plaza, Suite 625
Oakland, CA 94612

Peter A. Dubrawski
Samuel O Follis
Haight Brown & Bonesteel LLP
6080 Center Drive, Suite 800
Los Angeles, CA 90045

William S. Sayers
Farah S. Nicol
Margaret Johnson
McKenna Long & Aldridge LLP
444 South Flower Street, 8th Floor
Los Angeles, California 90071-2901

Ron C. Eddins
Jennifer L. Bartlett
Robert A. Green
Simon Eddins & Greenstone, LLP
301 E. Ocean Blvd., Suite 1950
Long Beach, California 90802

Berry & Berry
P.O. Box 16070
Oakland, CA 94610

Brydon Hugo & Parker
135 Main Street, 20th Floor
San Francisco, CA 94104

Burnham Brown
1901 Harrison Street, 11th Floor
Oakland, CA 94612-3501

Cooley Manion Jones, LLP
21 Custom House Street
Boston, MA 02110-3536

Drath Clifford Murphy Wennerholm &
Hagen LLP
ATTN: John M. Drath
1999 Harrison Street, Suite 1900
Oakland, CA 94612

Haight Brown & Bonesteel
71 Stevenson Street, 20th Floor
San Francisco, CA 94105

Hassard Bonnington LLP
Two Embarcadero Center, Suite 1800
San Francisco, CA 94111

Herr & Zappala LLP
152 N. 3rd Street, Suite 500
San Jose, CA 95112

Kasowitz Benson Torres & Friedman
101 California Street, Suite 2050
San Francisco, CA 94111

Knox Ricksen LLP
1300 Clay Street, Suite 500
Oakland, CA 94612

McKenna Long & Aldridge, LLP
101 California Street, 41st Floor
San Francisco, CA 94111

Perkins Cole LLP
Four Embarcadero Center, Suite 2400
San Francisco, CA 94111

Sedgwick Detert Moran & Arnold
One Market Plaza
Steuart Tower, 8th Floor
San Francisco, CA 94105

National Oilwell Vargo, Inc.
c/o Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

Vasquez & Estrada
1000 Fourth Street, Suite 700
San Rafael, CA 94901

Wilson Elser Moskowitz Edelman &
Dicker LLP
525 Market Street, 17th Floor
San Francisco, CA 94105

BP Products North America Inc.
c/o Corporation Service Company
2730 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

Earth Tech, Inc.
c/o CT Corporation System
818 West 7th Street
Los Angeles, CA 90017

ICF Kaiser International Inc.
c/o Corporation Service Company
2711 Centerville Road, Suite 400
Wilmington, DE 19808

Kaiser Engineers and Constructors, Inc.
c/o CSC Services of Nevada, Inc.
502 East John Street
Carson City, NV 89706

Kaiser Ventures, Inc.
c/o Terry L. Cook
3633 E. Inland Empire Blvd., Suite 850
Ontario, CA 91764

Kaiser Ventures, LLC
c/o Terry L. Cook
3633 E. Inland Empire Blvd., Suite 850
Ontario, CA 91764